



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 22, 1996

Mr. Dennis J. Eichelbaum
Schwartz & Eichelbaum, P.C.
General Counsel
3700 Ross Avenue, Box 69
Dallas, Texas 75204-5491

OR96-0762

Dear Mr. Eichelbaum:

The Dallas Independent School District (the "school district"), which you represent, has received a request for "[a]ll records regarding the transfers" of two kindergarten students at Stonewall Jackson Elementary School. You maintain that the responsive records are exempt from required public disclosure, in whole, pursuant to the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, because they are maintained by the school district and contain personally identifiable student information. You have not submitted the responsive documents for our review, claiming that you are not required to do so under our recent ruling in Open Records Decision No. 634 (1995). Your request was assigned ID# 39221.

In Open Records Decision No. 634 (1995), this office concluded that

[a]n educational agency or institution may withhold from public disclosure personally identifiable nondirectory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, which information is excepted from required public disclosure by Government Code section 552.026, without the necessity of requesting an attorney general decision as to that exception. Furthermore, an educational agency or institution may withhold from public disclosure information that is protected by FERPA and excepted from required public disclosure by Government Code section 552.101 as "information considered to be confidential by law," without the necessity of requesting an attorney general decision as to that exception. Finally, an educational agency

or institution that is also state-funded may withhold from public disclosure information that is excepted from required public disclosure by Government Code section 552.114 as a "student record," insofar as the "student record" is protected by FERPA, without the necessity of requesting an attorney general decision as to that exception.

Open Records Decision No. 634 (1995) at 10. As you have determined that the requested information is protected by FERPA, you may withhold this information from the requestor.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 39221

cc: Ms. Holly Mullen
Staff Writer
Dallas Observer
P.O. Box 190289
Dallas, Texas 75219-0289

¹As for your contention that because the requestor seeks records pertaining to two specific students, "no amount of redacting could sufficiently protect the identity of the students," we remind you that information must be withheld from required public disclosure under FERPA only to the extent "reasonable and necessary to avoid personally identifying a particular student." Open Records Decision Nos. 332 (1982), 206 (1978). For further guidance on the release of this information, the school district may contact the Family Policy Compliance Office, United States Department of Education, 600 Independence Avenue S.W., Washington, D.C. 20202-4605, (202) 260-3887.